

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ZUBER AHMED, NURUL HOUQE, MOHAMMED B.
UDDIN, SALEH UDDIN, BENNETT LARSEN and
LESLIE NEWSAM, Individually, On Behalf of All
Others Similarly Situated and as Class Representatives,

Plaintiffs,

-against-

UNION SQUARE HOSPITALITY GROUP, LLC,
USHG, LLC, USHG NOMINEE, LLC, UNION
SQUARE EVENTS, LLC, ELEVEN MADISON PARK,
LLC DOING BUSINESS AS ELEVEN MADISON
PARK, ART FOOD LLC DOING BUSINESS AS THE
MODERN, CAFÉ 2 and TERRACE 5, UNION
SQUARE CAFÉ CORP. DOING BUSINESS AS
UNION SQUARE CAFE, GRAMERCY TAVERN
CORP. DOING BUSINESS AS GRAMERCY
TAVERN, TABLA, LLC DOING BUSINESS AS
TABLA, BLUE SMOKE, LLC, DOING BUSINESS AS
BLUE SMOKE, BLUE SMOKE ENTERPRISES LLC,
BLUE SMOKE CATERING LLC DOING BUSINESS
AS BLUE SMOKE CATERING, 450ST ST DOING
BUSINESS AS JAZZ STANDARD, FOOD 2 LEX LLC
DOING BUSINESS AS MAIALINO, HUDSON
YARDS CATERING LLC, HUDSON YARDS
ENTERPRISES LLC, HUDSON YARDS SPORTS &
ENTERTAINMENT LLC and HUDSON YARDS
SERVICES, LLC,

Defendants.

10-cv-06075 (DAB) (RLE)

ECF CASE

**NOTICE OF PLAINTIFFS' UNOPPOSED MOTION FOR FINAL APPROVAL OF
SETTLEMENT OF CLASS ACTION**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement ("Motion for Final Approval") and in the Declaration of Robert D. Lipman in Support of Plaintiffs' Motion for Final Approval of Class Action Settlement ("Lipman Decl.") and the supporting exhibits attached thereto, Plaintiffs respectfully request that the Court enter an Order:

- (1) granting final approval of the Joint Stipulation of Class Settlement and Release (the "Settlement Agreement"), attached as Exhibit A to the Lipman Decl.;
- (2) certifying the following settlement class under Federal Rules of Civil Procedure 23(a) and (b)(3) for purposes of effectuating the settlement:

All persons who are or were employed by Defendants for 170 hours or more between August 16, 2004 and June 23, 2011 as a front of house, non-managerial employee, including but not limited to the following classifications of employees at Defendants' New York City restaurants known as Eleven Madison Park, The Modern, Tabla, Blue Smoke, Gramercy Tavern, Maialino, and Union Square Café and/or at Defendants' New York City catering entities known as Hudson Yards Catering and Blue Smoke Catering: (1) servers, (2) food runners, (3) bussers, (4) bartenders, (5) barbacks, (6) maitre d's, (7) hosts, (8) expeditors, (9) polishers, (10) backwaiters, (11) server assistants, (12) wait-staff, (13) captains, (14) baristas, and (15) front servers.

- (3) awarding Class Counsel's attorneys' fees and costs as outlined in the Settlement Agreement;
- (4) approving Service Awards to Plaintiffs and fees to the Settlement Administrator as outlined in the Settlement Agreement;

Plaintiffs submit a Proposed Final Order attached hereto as Exhibit A, for the Court's convenience.

Dated: February 13, 2012
Jericho, New York

Respectfully submitted,

LIPMAN & PLESUR, LLP

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